

**REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES**

TO: WEST CRAVEN COMMITTEE

DATE: 4th June 2019

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO WEST CRAVEN COMMITTEE 4th JUNE, 2019

Application Ref: 18/0821/RES

Proposal: Outline: Major: Erection of 14 No. dwelling houses with access road (Access and Scale only)

At: Land Opposite The Barn Ben Lane Barnoldswick BB18 6HR

On behalf of: Mr L Green

Date Registered: 29 January 2019

Expiry Date: 30 April 2019

Case Officer: Kathryn Hughes

Site Description and Proposal

The application seeks outline consent (including means of access and scale) for the erection of 14 dwellinghouses on land opposite the Barn, Ben Lane, Barnoldswick, field no. 5467.

As present the site consists of a large well maintained field mainly used for grazing sheep. The proposed site measures 0.62ha and is separated from Ben Lane by an existing permission for four dwellinghouses (see history).

The site contains mature trees and Tree Preservation Orders are in place adjacent to the site.

The land is immediately adjacent to, but outside of the settlement boundary of Barnoldswick, within the Open Countryside. Open fields are sited to the rear and side of the site (north east and east) with detached dwellings to the front (south east/west). With further residential properties along Skipton Road to the side (north).

Relevant Planning History

13/15/0546P – Outline: Erection of 4 dwellings with garages (Access, Layout and Scale) – Refused- Allowed on Appeal – 7th November, 2016.

17/0244/REM – Reserved Matters: Erection of 4 dwellings with garages (Appearance and Landscaping) – Invalid.

17/0313/REM – Reserved Matters: Erection of 4 dwellings with garages (Appearance and Landscaping) – Approved 18th August, 2017.

Consultee Response

LCC Highways – The southern section of the field, fronting Ben Lane, has an approval for 4 dwellings with detached garages served from a new site access on Ben Lane. The application reference D13.15.0546P-outline including access, layout and scale was refused and subsequently allowed at appeal reference APP/E2340/W/16/3155958. Applications D13.17.0244 and D13.17.0313 have been subsequently approved for reserved matters - landscaping and boundary treatment.

The approval provides a new site access on Ben Lane with visibility splays of 2.4m x 45m agreed in both directions. A 5m wide carriageway with 2m wide footways on both sides and a turning head to allow a refuse wagon to turn and exit in forward gear are proposed. This is considered suitable to accommodate the movements from the 14 additional dwellings sought under this application.

Ben Lane is an unclassified road and is categorised as a Local access road with a speed limit of 20mph. The visibility at the junction of Ben Lane and Skipton Road is suitable and causes no concern. The width of Ben Lane between Skipton Road and the site access is at least 4.8m wide which allows a HGV and car to pass. The Inspector considered that Ben Lane is lightly trafficked and that there is spare capacity to accommodate additional traffic from 4 dwellings which equates to approx. 2-3 vehicles in the pm peak 5pm-6pm.

Ben Lane carries less than 100 vehicles in the peak hour and less than 1000 vehicles a day which means that the guidance within the Manual for Streets and Quiet Lanes for pedestrians and vehicles to share the carriageway space does not necessarily constitute a safety concern.

However there is a concern about the lack of street lighting on Ben Lane particularly for pedestrians in the hours of darkness. Therefore it is considered necessary, due to the intensification of vehicle movements to implement a scheme of street lighting on Ben Lane between Skipton Road and the site access to ensure the safety of vulnerable road users.

The additional dwellings will add approx. 66 vehicles a day and 7. 2-way movements in the am peak and 8, 2-way movements in the pm peak.

In the previous 5 years there have been 2 slight injuries from 2 separate collisions on Skipton Road at the junction of Coates Lane. These are attributed to poor visibility when emerging from the junction. There is separate collision recorded on Ben Lane itself resulting in 2 serious injuries to the 15 year old driver and pillion passenger of an unlicensed 85cc motorbike driven in the hours of darkness.

Each dwelling proposes off-street parking in accordance with the maximum car parking standards, with secure cycle storage within the garages and electric vehicle charging points.

There is no objection to the proposal subject to conditions being attached to any approval relating to construction method statement, restricted traffic movements, construction site access, off-site highway works, management and maintenance of the estate road, construction of internal estate roads, driveways, cycle stores and electric charging points

Lead Local Flood Authority – unable to provide a substantive response as insufficient information has been submitted.

Update – No objection subject to appropriate drainage conditions.

LCC Education – No contribution required.

Yorkshire Water – A water supply can be provided.

United Utilities - Appropriate drainage conditions should be attached to any approval.

NHS Trust – contribution requested of £1,591.13 towards additional services to meet patient demand;

PBC Environment Officer – There are existing mature trees to the north east and east which are shown to be retained and these should be protected during construction and including in the landscape scheme for the site. There are trees protected by TPO no. 2,1977 to the front (south

east/west) which have been considered as part of the application for four dwellings along this frontage. Protected trees to the rear (north east) of the site fall under TPO No. 10, 2008 but are outside the application site.

PBC Environmental Health – No adverse comments.

Public Response

Nearest neighbours notified by letter. 18 responses have been received objecting on the following grounds:

- Outside settlement boundary;
- Proposed houses immediately to the rear of existing properties on Skipton Road resulting in overlooking and loss of privacy;
- Minimum parking standards have been applied and a narrow road proposed which is likely to result in on-road parking;
- No screening or landscaping proposal;
- Soakways are shown to rear boundaries of existing properties or tree protection areas;
- This scheme proposes a considerable increase in traffic movements along this narrow lane;
- This area has a history of flooding;
- Given the number of houses that have been provided Pendle are set to exceed the long term housing supply so there is no imminent pressure to accept sites outside the settlement that are not fit for purpose;
- Views will be removed and existing properties will lose any element of privacy;
- There are pods in the gardens which are inhabited by frogs and newts, many birds frequenting the site with swarms of bats throughout the summer months;
- Coates Hall is a listed building is sited close by and a working well has been uncovered in the grounds of The Barn which probably served Coates Hall and should be protected;
- Increase in surface water and poor drainage on site;
- Lack of safe access is a real safety concern;
- There is only one route off the estate which involves pedestrians negotiating multiple vehicles on a poorly lit, muddy lane, full of potholes with no pavements;
- In January this year a child was hit by a car when walking to catch a school bus (this is not on the report) increased volume of traffic will increase the risk of collisions in the future;
- How will materials be transported onto the site when the lane is unsuitable for HGV's?
- The land already generally suffers from subsidence;
- Our property suffers from rot and increased properties will make this worse and add to pressure on utilities and raises concerns of further damage to my property;
- The sewage pipe is already prone to volume issue and there is no mention of how the main drain will cope with an extra 14 households;
- Is this an infringement on green belt in contradiction to the structure plan;
- Development of this area is not needed as the most recent AMR shows Pendle has to provide 298 houses per year, in fact for the next four years it is forecasting 319, 579, 5869 and 635 houses. Policy LIV1 states land outside the settlement boundary can be used- as this has been reached development outside the settlement boundary in this case is not necessary;
- The proposed development is high density with a total of 18 houses in one field;
- The development would result in an unacceptable visual impact on the landscape;
- Pendle has a large quantity of undeveloped brownfield sites; and
- To reduce potential conflicts the school encourages a one way system so parents exit out of the lane. Traffic exiting and entering the land should be kept to a minimum.

Officer Comments

The main issues to consider in assessing this application are policy compliance design, impact on amenity, pedestrian and highways safety, parking provision and flood risk.

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework must be given full weight in the decision making process.

Other material considerations may then be set against the Local plan policies so far as they are relevant.

Policy

The National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. In this case, for the purposes of section 38(6) of the TCPA 2004, the development plan comprises Pendle's Local Plan Part 1: Core Strategy.

Paragraph 59 of the National Planning Policy Framework (NPPF) requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements.

Paragraph 108 of the Framework states that decisions should take in to account whether safe and suitable access to the site can be achieved and should only be refused where residual cumulative impacts are severe.

Policies SDP1, ENV1, ENV2, LIV1 and LIV5 of the Core Strategy Part 1 are all relevant in the determination of new housing applications.

Policy SDP1 (Presumption in Favour of Sustainable Development) is set out to secure development that improves the economic, social and environmental conditions in the area.

Policy ENV1 addresses issues such as biodiversity, the protection of designated landscapes and impacts on open space.

Policy ENV2 seeks to achieve quality in design and states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

Policy ENV4 relates to promoting sustainable travel and in particular sets out that new development should have regard to potential impacts to the highway network, safety and potential to restrict free flowing traffic.

Policy ENV7 seeks to ensure any proposal do not result in increased flooding on site or lead to increased flooding elsewhere.

Policy LIV1 states that to encourage significant and early delivery of housing, proposals for new development will be supported on non-allocated sites within the Settlement Boundary which are sustainable. The Policy goes further to state that until the Council adopts the Pendle Local Plan Part 2 (Site Allocations and Development Policies) sustainable sites outside but close to a settlement boundary which make a positive contribution to the 5 year supply of housing land will be supported.

Policy LIV5 advises that the types and sizes of new dwellings to be provided should help to diversify the existing housing stock and achieve a better, more balanced mix of dwellings in the borough.

Saved Replacement Local Plan Policy 31 ' Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP. This is addressed in the Highways section below.

Principle of Development

The site is located outside of a settlement boundary, with its south western front abutting the settlement boundary of Barnoldswick. The site therefore falls within the open countryside.

The current position of the Council is that there is not a 5 year supply of housing land. In this instance the Council has not yet adopted the Pendle Local Plan Part 2: (Site Allocations and Development Policies). This outline proposal for 14 dwellinghouses would further encourage the early delivery of the housing requirement and is therefore supported by the aims of Policy LIV1. Policy LIV1 also states proposals for new housing development will be supported where they accord with other policies of the Core Strategy and are on sustainable sites outside of the settlement boundary.

Part of the site has already been considered at appeal and has been found to be sustainable. The site is within walking distance of public transport where regular buses travel along Skipton Road. The site also has easy access to essential services given its location near schools, major employment sites and its close location to Barnoldswick town centre. Taking into account the edge of settlement characteristics of the site and its close relationship with existing development it is a sustainable site.

Therefore, in terms of location, a site of this nature, which has clear and established links to Barnoldswick and associated services, would be sustainable and its development would help to ensure a five year supply. The proposed development would therefore accord with the NPPF and Policy SDP1 of the Local Plan Part 1.

Layout and Scale

Paragraphs 124 through to 132 of the NPPF contain guidance on providing a wide variety of homes and requiring good design. Policies ENV1 and ENV2 of the Local Plan Part 1 echo these points and are relevant in the determination of this application.

Section 11 of the NPPF seeks to make effective use of land with optimal use of the site in terms of densities.

This application has been submitted in outline, with matters of appearance and landscaping reserved. Therefore at this stage, assessment of the application in terms of design is limited to layout and scale.

Permission has been granted for four dwellinghouses to the front (south) of the site there are no buildings currently on the site. The proposed dwellings would be in the form of a terrace layout fronting Ben Lane. The housing type would have a mix of 3 and 4 bedroomed dwellings.

The development would be positioned to the rear of the approved houses along the length of Ben Lane and to the rear of existing housing on Skipton Road. The development would raise no significant concerns in terms of design or relationship with the existing house as privacy distances can be achieved.

All 14 plots would have garages with some detached and parking spaces.

The architectural vernacular of the immediate area is mixed, populated by groups of older and more modern properties. As such there is no clear or defined style to replicate. From a physical perspective, the application site would most closely replicate the dwellinghouses on Skipton Road. The proposed development site would not project further north into the field than the proposed dwellings preventing any significant encroachment in to the Open Countryside.

In terms of scale, whilst there are a number of bungalows in the vicinity, the two storey dwellings proposed (with the plans and submitted information indicating stone walls and slates for the roof) would not appear incongruous or at odds with its surroundings. The immediate area is predominantly characterised by older and newer dwellings and due to its set back from the main highway on Skipton Road, wider public vantage points would be limited.

Policies ENV1 and ENV2 of the Core Strategy Part 1 and Paragraph 56 of the NPPF require good design. Whilst the individual appearance of the properties must be assessed through the submission of reserved matters, the form, scale and layout of the proposed development generates no adverse issues at this stage.

The details submitted are therefore acceptable and compliant with both Local and National requirements.

Amenity

In terms of residential amenity, the principle assessments to be undertaken are the potential impacts of the proposed two storey dwellings on the properties positioned along Skipton Road and the four houses approved along Ben Lane. Open fields lie to the north east and south east of the site.

The proposed layout shows the dwellings would maintain a distance of 21m to the properties on Skipton Road. A distance of approximately 15m would remain between Plots 1- 4 approved and the gable of proposed plot 14. The distances between these properties would be acceptable to a blank gable wall.

Garages are proposed close to existing rear boundaries of properties on Skipton Road and this is acceptable and would not give rise to any loss of amenity to existing residents.

The Council's Design Principles SPD advises that a minimum distance of 12m should be provided between principle windows and side elevations and 21m between principle windows which face each other. Whilst the final position of window openings in the new development will only become apparent on the submission of reserved matters, the layout of the scheme at present respects these separation distances. The style, size and type of any windows within the development can be suitably controlled in the subsequent application.

The separation, scale and massing of the dwellings would not lead to an unacceptable relationship. Additional natural landscaping will also assist in screening the proposed development.

Policy ENV2 (Achieving Quality in Design and Conservation) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets. In this case each property would have sufficient curtilage and the layout provides a good mixture of private and public areas without being overly cramped. Appropriate boundary treatments would assist in reflecting the semi-rural character of the area and this can be addressed at the Reserved Matters stage.

Highways

A Transport Statement has been submitted in support of this application.

The site will be accessed the approved access for the four dwellings allowed on appeal on to Ben Lane with visibility splays of 2.4m x 45m in both directions. Ben Lane is an unclassified road and is categorised as a Local access road with a speed limit of 20mph. A 5m wide carriageway with 2m wide footpaths on both sides and a turning head to allow refuse wagon to turn and exit in forward gear are proposed. This is acceptable.

The visibility at the junction of Ben Lane and Skipton Road is suitable and causes no concerns. The width of Ben Lane between Skipton Road and the site access is at least 4.8m wide and the Planning Inspector for the four dwellings considered in the appeal decision that Ben Lane was lightly trafficked and that there is spare capacity to accommodate the additional traffic from the 4 dwellings. As Ben Lane carries less than 100 vehicles in the peak hour and less than 100 vehicles a day guidance within Manual for Streets and Quiet Lanes for pedestrians and vehicles to share the carriageway space does not necessarily raise safety concerns. There is, however, a lack of street lighting and therefore with the proposed increase in vehicular movements a scheme of street lighting on Ben Lane between the site access and Skipton Road would provide some improvement for pedestrians and cyclists, etc.

It is considered the development will generate an estimated 66 vehicular movements a day with peak flow of 7 2 way movements in the morning and 8 2 way movements in the evening.

Comments have been received from a Traffic, Transport and Highway Consultant which concludes that the current highway and pedestrian provision of Ben Lane is already very poor and that this proposal would significantly worsen this position and add significant risk in respect of highway safety. The report suggests that in the absence of suitable date and mitigation to address the implications then the application runs contrary to the severe impact test of the NPPF and Policy ENV4.

Given that the site access and internal layout arrangements including the visibility splay and road geometry was examined in detail and agreed in principle by the Inspector the proposed development will have an acceptable impact on highway capacity in the immediate vicinity of the site subject to appropriate conditions.

In the last five years there are records of two slight injuries from 2 separate collisions which are attributed to poor visibility when emerging from this junction. I am aware from public comments that there are serious concerns over pedestrian safety and especially school children using this route. Based on the information submitted and LCC Highways responses the proposed improvements would alleviate some of these concerns with the provision of footways and a street lighting scheme and this is considered acceptable in this respect.

The plans submitted indicate 2.4 x 45m sight lines would be provided and both the appeal Inspector and LCC Highways are satisfied that this can be provided and is acceptable. I concur with this view.

Each property would have sufficient parking provision within its curtilage by way of driveways and garages along with room to manoeuvre and turn within the site. LCC Highways have raised no objections to this development subject to appropriate conditions.

Therefore, the proposed development should have an acceptable impact on highway safety and highway capacity in the immediate vicinity of the site and would be in accordance with policy ENV4 and Replacement Pendle Local Plan policy 31 as well as Paragraph 108 of the NPPF.

Drainage

A Flood Risk Assessment & Drainage Strategy has been submitted in support of this application.

The report states that the site is as low risk from flooding and it is not considered that flood risk to the development will be increased and it could be argued that this would be reduced following implementation of an approved and effective drainage system.

Further works are proposed to investigate the viability of soakaways and drainage surveys are required in order to establish depths on existing sewers. All systems will be designed to accommodate 1 in 30 year storm event without flooding and 1 in 100 year plus 40% climate change. Underground surface water storage tanks are proposed within plots 6, 7, 8, 10, 11, 12, 13 and 14.

LLFA has considered the submitted information which includes Greenfield run-off rates and drainage attenuation storage capacities and is of the opinion that an appropriate and acceptable surface water drainage system can be accommodated on the site and that details of this can be submitted at the reserved matters stage for further consideration.

There are currently some flood mitigation works including replacing a culvert to the north if site being undertaken. PBC Engineers are involved in this project and have considered the potential impact of this proposal on these works. They are of the opinion that provided appropriate storage attenuation can be provided to restrict surface water run-off to Greenfield run-off rates that this would have no adverse impact and is acceptable.

Therefore, subject to a detailed scheme being accepted on the site the proposed development should have an acceptable impact on drainage in the immediate vicinity of the site and would be in accordance with policy ENV7 subject to appropriate conditions.

Landscaping

Landscaping has been reserved for future approval, however, there are two large mature TPO trees along Ben Lane which may be affected by the proposal. The tree to the southern corner is shown on the drawing and referred to in the supporting text as being retained. However, there is a second tree on the verge to Ben Lane outside the adjacent dwelling to the west which is not shown on the drawing and not referenced in the text.

It is important to ensure that these two trees are successfully protected and retained and that the dimensions (trunk diameter) of the trees are given and any future drawings show that all construction is outside the calculated protection area for these trees. The Trees Officer has no objection in principle, however, a high quality landscaping scheme will be important to the quality of the development and would be assessed in more detail at the reserved matters stage.

Ecology

The land has no statutory designation in terms of ecology and would not affect any such designations.

Whilst there are recordings of bat activity in the local area whilst there is no potential for roosting within the site there are higher quality sites nearby which provide foraging and activity across the site can be improved on as part of the site development by providing infill planting of the hedgerow and planting of native and night flowering species as part of the landscaping scheme.

The submitted Ecological Appraisal does not raise any undue concerns and the mitigation for compensatory planting and habitat enhancements can be conditioned as part of any approval.

Summary

The proposed development of this site for housing would make a positive contribution to the Councils housing supply and is within a sustainable location as encouraged by National guidance. Highways safety and the scale and layout of the dwellings in this location would be acceptable subject to appropriate conditions this proposal is recommended for approval.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development accords with the Local Plan and National Planning Policy Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. An application for approval of the reserved matters (namely the appearance, layout and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the appearance, layout and landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

2604.5

Reason: For the avoidance of doubt and in the interests of proper planning.

4. No development shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.

- e) Details of wheel-washing facilities including location
- g) Measures related to construction waste management
- k) Measures to ensure that vehicle access of adjoining access points are not impeded.
- n) Location and details of site compounds
- o) Hoarding details during construction
- s) A Construction Waste minimisation Strategy.
- u) Parking area(s) for construction traffic and personnel
- v) Routeing and timings of construction vehicles

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are in place to protect the environment during the construction period.

5. Prior to the commencement of development a scheme for construction site access on Ben Lane shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the first use of the site.

Reason: To ensure an acceptable access if provided prior to construction work being carried out on the site.

6. Prior to the commencement of development a scheme for the off-site highway works shall be submitted to and approved by the Local Planning Authority. The works shall include the following and be implemented prior to the first occupation of any dwelling.

- a. A scheme of street lighting on Ben Lane between Skipton Road and the site access.

Reason: To ensure an acceptable access if provided prior to construction work being carried out on the site.

7. Prior to the commencement of development details of the proposed arrangements for future management and maintenance of the estate road within the development shall be submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details unless until such time as any other agreement has been entered into.

Reason: To ensure an acceptable access if provided prior to construction work being carried out on the site.

8. No development shall be commenced until full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in full accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure an acceptable access if provided prior to construction work being carried out on the site.

9. The internal estate roads shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure an acceptable access if provided prior to construction work being carried out on the site.

10. Prior to the occupation of each dwelling the driveways parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for the as long as the development is occupied.

Reason: To ensure an acceptable access if provided prior to construction work being carried out on the site.

11. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

12. As part of any reserved matters application and prior to the commencement of any development, the following details shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority:

a) Information about the lifetime of the development, design storm period and intensity, temporary surface water storage facilities, details of the methods employed to delay and control surface water discharged from the site, details of any measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD; b) Evidence to demonstrate that surface water run-off will not exceed the existing pre-development runoff rate for the corresponding rainfall event; c) A site layout plan showing flood water exceedance routes, both on and off site; d) A site layout plan showing surface water catchment areas within the site (i.e. areas that will contribute to the proposed surface water drainage network); e) A timetable for implementation, including phasing where applicable; f) Site investigation and test results to confirm infiltrations rates. If infiltration is shown to be a viable option for the disposal of surface water, then this should then be used as the primary method for disposing of surface water from the site; g) Details of water quality controls, where applicable; and h) Details of an appropriate management and maintenance plan for the surface water drainage scheme for the lifetime of the development.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development; whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed development, to ensure that water quality is not detrimentally impacted by the development proposal and to ensure that appropriate maintenance mechanisms are put in place for the lifetime of the development

13. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic conditions of water bodies.

14. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic conditions of water bodies.

15. The development hereby approved shall be carried out in full accordance with all the mitigation measures proposed in Section 7 Mitigation/Recommendations dated January 2019 by envirotech.

Reason: To order to protect the trees and hedgerows on the site and ensure that appropriate compensatory planting and habitat enhancements are provided on the site.

16. Prior to first occupation each dwelling shall have an electric vehicle charging point.

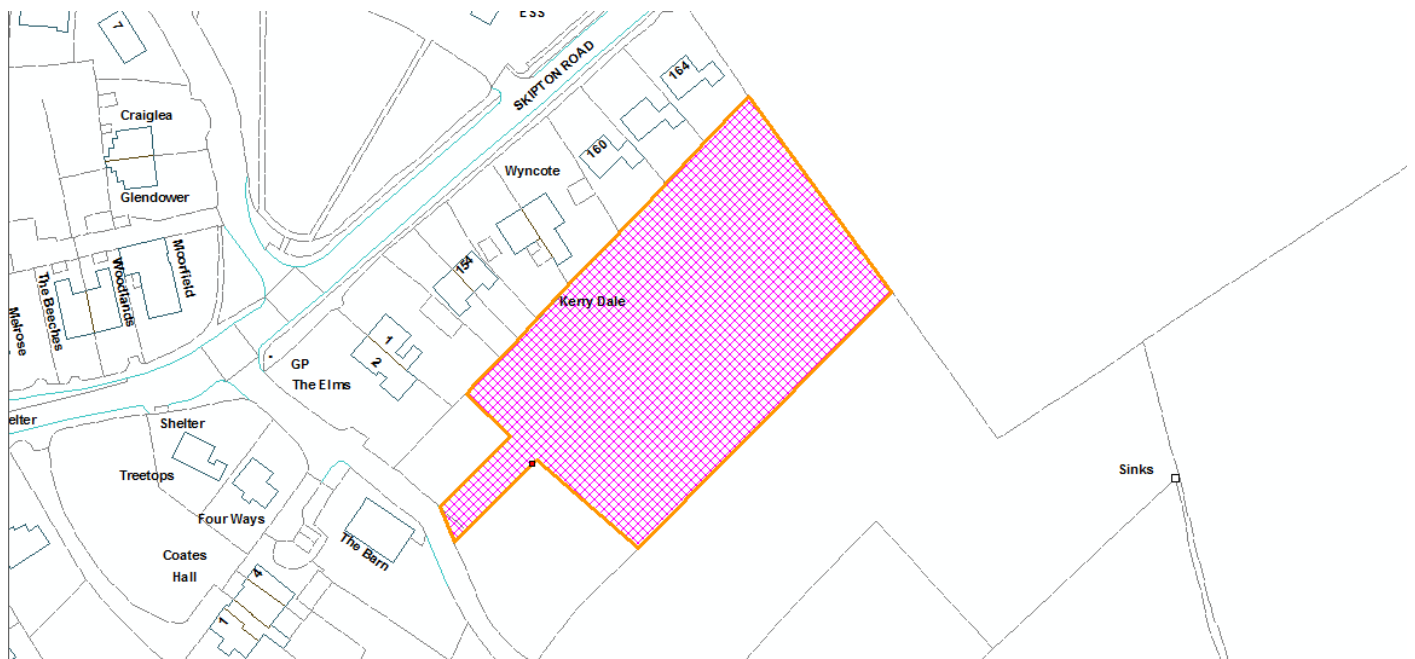
Reason: To ensure that the development provides for sustainable modes of travel.

17. Before a dwelling unit is occupied waste containers shall be provided on each plot.

Reason: To ensure adequate provision for the storage and disposal of waste.

Informative note

The grant of planning permission will require the applicant to enter into a Section 278 Agreement, with the County Council as Highway Authority. The applicant should be advised to contact Lancashire County Council, Highway Development Control email – developeras@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided.



Application Ref: 18/0821/RES

Proposal: Outline: Major: Erection of 14 No. dwelling houses with access road (Access and Scale only)

At: Land Opposite The Barn Ben Lane Barnoldswick BB18 6HR

On behalf of: Mr L Green

REPORT TO WEST CRAVEN COMMITTEE ON 4TH JUNE 2019

Application Ref: 19/0094/OUT

Proposal: Outline: Erection of 5 No. two storey dwelling houses (All Matters Reserved).

At: Morris Ing, Skipton Road, Earby

On behalf of: Mr and Mrs Beecroft

Date Registered: 12.03.2019

Expiry Date: 10.06.2019

Case Officer: Charlotte Pinch

Site Description and Proposal

This application is to be decided at committee as it has been called in by a Councillor.

The application seeks outline permission for the erection of 5 No. two storey dwellinghouses, with all matters reserved. Details of the appearance, landscaping, layout, scale and access would be dealt with at a later stage under the Reserved Matters submission.

The application site is an area between Morris Ing and the residential property of 'Dalesway'. The site covers approximately 0.2 hectares and is currently being used as garden. It is bordered on the western boundary of the site by the A56, Skipton Road.

The site is within the defined settlement boundary and is surrounded by existing urban development on three sides. A small section to the south of the site is within the Earby Conservation Area.

Similar applications were submitted in 2015 and 2016, both were refused due to insufficient information to address pluvial flooding issues.

Amended plans were submitted during the application process, reducing the proposal from 6 no. to 5 no. dwellings, to address highways and flooding concerns raised.

Relevant Planning History

13/15/0338P

Outline: Erection of 6 two storey dwellings (All matters reserved).

Refused. 2015.

13/16/0064P

Outline: Erection of 6 two storey dwellings (All matters reserved) (Re-Submission).

Refused. 2016.

Consultee Response

LCC Highways

A previous outline application (all matters reserved) reference 16/0064 was refused with the reason that the site is in an area prone to pluvial flooding. An indicative site access and internal layout were submitted.

Although all matters are reserved, for the avoidance of doubt I must confirm that the access, layout and parking provision shown on the 'Proposed site plan – 836.01(-)01 Rev.A are insufficient for this development and require amendment.

Site access arrangement

The proposed site plan shows a new footway along the development frontage and extending south alongside the existing dwelling Morris Ing. The proposed footway does not tie into the footways to the north or south on Skipton Road and due to the narrow carriageway width alongside Morris Ing and the private land to the north, there is no opportunity to connect the footways. Therefore the proposed footway will cause a safety issue and requires further assessment. The previous application 16/0064 proposed a pedestrian route through Morris Ing along the east side of the dwelling. This option is supported as pedestrians from the development would have a route towards Earby Town Centre which connected to the existing footway south of Morris Ing. Without a suitable pedestrian link being agreed, we would raise an objection to this application on highway safety grounds.

Currently the proposed development land lies at a lower level than Skipton Road and there is an existing retaining wall which provides support to the road. The retaining wall is privately maintained and the Highway Authority have a right of support to the road from third party land, therefore this retaining wall must not be altered in a way which would result in the loss or reduction of support to Skipton Road.

Any alterations to the structure or land levels adjacent to the wall should be submitted and agreed under a planning condition.

If a new retaining wall is constructed it must be built to adoptable standards and there must be an easement provided for access and maintenance for whoever agrees to adopt and maintain the structure.

The visibility splay at the proposed site access has been agreed previously at X2.4m by Y56m to the north and X22.4m by Y98m to the south. This is agreed.

The gradient of the site access where it joins Skipton Road must be flat for the first 5m minimum then tapering down gradually to suit the land levels but not exceeding a gradient of 1:12 at any point.

Layout and parking

1. The turning head requires enlarging to allow a refuse/emergency vehicle to enter and exit onto Skipton Road in forward gear.
2. The carriageway should be 5.5m wide with 2m wide footways on both sides at the junction with Skipton Road and thereafter with 2m wide service strip around the whole estate road and turning head.
3. Plots 1-3 are deficient in car parking spaces. On a particularly constrained site such as this it is essential that the car parking spaces are provided at the maximum standards to ensure that all the development vehicles are contained within the site and do not overspill onto Skipton Road. Each dwelling should have 2 spaces – 2-3 bedrooms, 3 spaces for 4+ bedrooms with a secure cycle store and electric vehicle charging points.

Conclusion

To conclude there is no provision of a safe and suitable pedestrian route from the site to Earby Town Centre and without this provision there is an objection on highway safety. Previously a route was shown through Morris Ing along the east side of the dwelling.

The internal layout and parking are insufficient and require amending for the reserved matters application.

Subsequently, amended plans were submitted on 8th May 2019, to address this objection. Revised consultee comments from LCC Highways have not been received yet.

Earby Town Council

Raise an objection to the proposal due to; the site is in a high-risk flood area, a new drainage system would be required; difficulty in providing access to the properties and the site has already required water to be pumped from it due to rainfall.

Lancashire Fire and Rescue

No objection.

Yorkshire Water

If planning permission is to be granted, a condition should be attached in order to protect the local aquatic environment and YW infrastructure.

The Flood Risk Assessment prepared by Mason Clarke Associates (Report dated 12 March 2019) is acceptable. In summary, the report states that with respect to surface water drainage, sub-soil conditions do not support the use of soakaways and the site is remote from watercourse. YW therefore agrees that surface water may discharge to public sewer via storage with a restricted discharge of 3 (three) litres/second.

Public Response

The nearest neighbours were notified by letter, in addition to a site and press notice being posted. Two letters of objection were received from neighbouring occupiers, their comments can be summarised as follows:

- The site floods regularly, therefore the proposed houses may flood or cause flooding in Earby.
- Inadequate site lines at the entrance, increasing likelihood of accidents.
- Existing sewerage issues in the area, which would be exacerbated by additional houses.
- Potential risk of subsidence due to excavation works.
- Loss of light and overbearing to existing neighbouring occupiers.

Officer Comments

Policy

Local Plan Part 1: Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires development to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 (Achieving Quality in Design and Conservation) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets. The proposals compliance with this policy is addressed in the design and amenity sections.

Policy ENV7 (Water Management) does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere. The proposals compliance with this policy is addressed in the flooding and drainage section.

Policy LIV1 (Housing Provision and Delivery) sets out the housing requirements for 2011 to 2030 and how this will be delivered. It allows for sustainable development outside of settlements to come forward until the part 2 plan has been approved.

Policy LIV3 (Housing Needs) provided guidance on the housing needs in order to provide a range of residential accommodation.

Policy LIV4 (Affordable Housing) sets out the targets and thresholds required to contribute towards the provision of affordable housing.

Policy LIV5 (Designing Better Places to Live) requires that layout and types of development reflect the site and the surroundings, to meet borough-wide requirements for housing stock.

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 (Spatial Development Principles) sets out the roles each settlement category will play in future growth. Earby is defined as a one of the Local Service Centres which will play a supporting role to the Key Service Centres and accommodate levels of new development to serve a localised catchment.

Replacement Pendle Local Plan

Policy 16 'Landscaping in New Development' requires that developments provide a scheme of planting which is sympathetic to the area.

Policy 31 'Parking' which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Principle of the Development

The application site is located within the settlement boundary of Earby, this development for 5 dwellings would make a positive contribution to the five year supply of housing land within the Borough.

The site is in a sustainable location, within walking distance of services and facilities. As a result, residential development in this location is acceptable in principle.

Impact on Conservation Area

The proposed housing development on this site, adjacent to existing residential properties, would not result in a significant detrimental impact on the character, setting or appearance of the Conservation Area.

Specific details of the properties design and materials will be dealt with as part of a Reserved Matters application.

Residential Amenity

All matters relating to design and layout will be dealt with at reserved matters stage. Although the exact position of windows and other openings are not finalised at this stage, none of the proposed windows on the indicative layout would result in significant harm from overlooking.

The closest neighbouring property of 'Dalesway' to the north of the site would retain a separation distance of 5 metres from the closest proposed property. 'Dalesway' has one ground floor side facing window and a rear conservatory, with views onto the application site. This is an adequate separation distance to ensure no existing or future residents would be unduly overlooked, provided the design and siting of the dwellings is carefully formulated.

Flooding and Drainage

The application site lies within Flood Zone 1, defined by the Environment Agency Flood Map as having less than 1 in 1000 annual probability of flooding from river or sea.

A Flood Risk Assessment was submitted as part of the application, which recommends that surface water drainage is not appropriate for this site, therefore storage tanks are proposed within the site for surface water discharge, with a restricted discharge of 3 litres per second.

Moreover, additional plans have been supplied to demonstrate that the minimum ground floor level of the proposed houses would be 380mm above the railway embankment, details of the surrounding paving which will be graded away from properties and landscaping to direct surface water away from the properties, in compliance with the recommendations of the FRA.

Yorkshire Water have confirmed the submitted FRA is acceptable and that surface water may discharge into the public sewer system, at a rate no greater than 3 litres per second. Although the Environment Agency were consulted on this application, no comments or objections have been received. Taking all of the information into account, this is not grounds to warrant refusal of the application.

A detailed drainage scheme will be required by conditions, with separate systems for foul and surface water on and off the site. A condition will also be applied to ensure works comply with the recommendations of the FRA.

Highways and Access

The site would be access via a new access onto Skipton Road, which is a classified 'A' road and has speed limit of 30mph across the frontage of the site.

Following the reduction to 5 no. dwellings on the site, sufficient on plot parking can now be provided on allocated driveways or garage space. In addition, suitable visibility distances have been agreed and are achievable from the proposed access.

Further comments are awaited from LCC Highways to confirm whether the amended plans now provide a suitable size turning space for larger vehicles and appropriate pedestrian access to and from the site. These will be provided by way of update to the committee.

Trees

The site is bounded by broad leaf woodland to the east of the site, adjacent to the disused railway line. The plans submitted show that the majority of the trees will be retained, as the position of the properties would be more towards the west of the site facing Skipton Road.

Some parking spaces are indicated to extend into the protected zone and would need to be constructed using no-dig specification, which can be controlled by an appropriate condition. Details of landscaping as part of the development can be dealt with at reserved matter stage.

Affordable Housing

Policy LIV4 sets out the targets and thresholds required to contribute towards the provision of affordable housing. The application site is located within the settlement boundary of Earby.

As a result, the development would be categorised as a West Craven Town, therefore as only 5 dwellings have been indicatively proposed on the site, a 0% affordable housing contribution would be required, in accordance with Policy LIV4.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development accords with the Local Plan and National Planning Policy Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. An application for approval of the reserved matters (namely the access, appearance, layout, scale and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the access, appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 836.01(--)-01 RevB, 836.01(--)-07 and 836.01(--)-06 RevA.

Reason: For the avoidance of doubt and in the interests of proper planning.

4. Prior to the commencement of development samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

5. Prior to the commencement of development a scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for separate systems of drainage for foul and surface water on and off the site. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means by which the discharge rate shall be restricted to a maximum rate of 3 litres per second.

All works must be constructed and completed in accordance with the approved plans, prior to occupation of the first dwelling.

Reason: To control foul and surface water flow disposal and prevent flooding.

6. The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment prepared by Mason Clark Associates (Report 16937-L-RP-002-R0 dated 12th March 2019), unless otherwise agreed in writing with the Local Planning Authority .

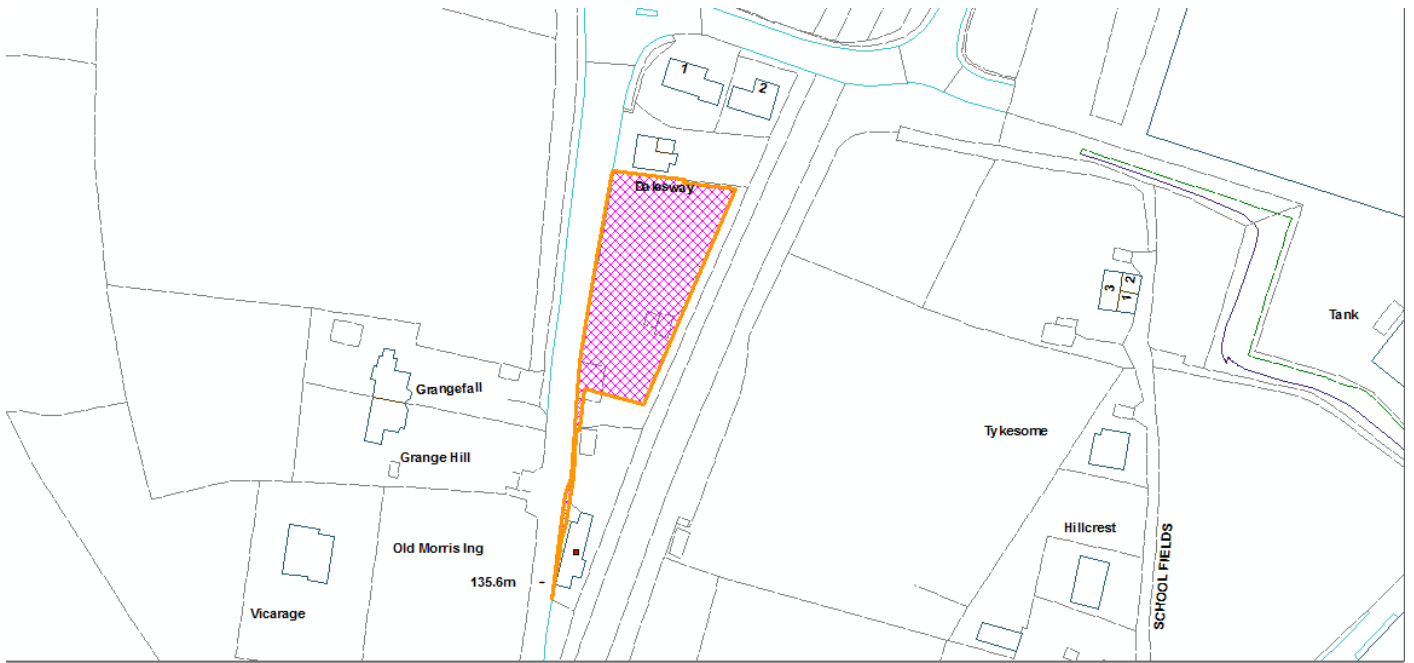
Reason: In the interest of satisfactory and sustainable drainage and to reduce flood risk.

7. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) (England) Order 2015 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to ensure that sufficient off-street parking can be accommodated within the site.

8. Prior to first occupation each dwelling shall have an electric vehicle charging point.

Reason: To encourage sustainable travel.



Application Ref: 19/0094/OUT

Proposal: Outline: Erection of 5 No. two storey dwelling houses (All Matters Reserved).

At: Morris Ing, Skipton Road, Earby

On behalf of: Mr and Mrs Beecroft

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 24th May 2019